

AN INTENDED

## P E T I T I O N

T O

The House of Commons, for Alexander Robertson of Strowan, Heir of one of the Five Chiefs of Clans, whose Estates were annexed to the Crown in the Year 1752; with Proofs and Remarks.

Sheweth,

**T**HAT, in the year 1784, when the Bill for restoring the forfeited estates in Scotland was prepared, your Petitioner, having been a Lieutenant-Colonel in the Army, and Major of the late 82d regiment, was detained with that regiment in America after the war, and therefore could not represent in time the very peculiar case of his family; which case being unknown it was natural to suppose, that, as the Barony and Estate of Strowan had been annexed to the Crown in the year 1752, it must have been by the effect of an attainder, whence it came to be so stated in the disannexing act: Whereas none of your Petitioner's family, or of the name of Robertson, have been attainted since the year 1715, and the person then attainted having again got possession of his estate, which was restored to the family in 1723, by a grant of King George the First; he continued to possess it until his death, which happened in 1749, and your Petitioner's father, who succeeded him, remained in possession of it until the year 1752, when Government found it expedient to recall the grant that had been made of it in 1723, and to annex it to the Crown. St. 29 G. III. c. 57. § 14. 25 G. II. c. 41.

A

That,



That, in the supposition of an attainder subsequent to the grant, by which His Majesty King George the First had been graciously pleased to restore the Estate to the family, your Petitioner is, by the said Act loaded with an additional burden of debt, besides what he is obliged to pay in common with the heirs of the estates forfeited in 1745; for those other heirs have only been obliged to repay to Government the public money that had been applied to the payment of the debts on their several estates in 1752, without being obliged to pay the interest of that public money, because Government received the Rents and profits: Whereas your Petitioner has not only been obliged to pay the debts which affected the Strowan Estate in 1752, but the interest that accumulated on those debts from 1752 to 1784, while Government received the rents and profits.

That, although it was enacted in the Annexation Act in 1752, that the debts on the Strowan Estate should be paid in the same manner as was ordered respecting the other annexed estates; yet the debts on that Strowan Estate remained unpaid, until it was restored in 1784 to your Petitioner, who is likewise burdened with the interest that accumulated on those debts during 32 years.

That the Lords of Session in Scotland have, since the passing of the act by which the annexed estates were restored, decided upon the claims of the several creditors on the Strowan Estate, and have allowed them not only their debts with interest thereon up to 1752, as paid to the Creditors on the other forfeited estates, but also an accumulation of interest down to Martinmas 1784, amounting to the sum of 4057l. 4s. 9d. which sum your Petitioner has been obliged to borrow in order to satisfy those Demands of the creditors, and to pay the interest of that borrowed money during these last twenty-two years, amounting to the farther sum of 4013l. 3s. 4d.

That it is manifest your Petitioner would not have suffered the loss of either of those sums, amounting together to the sum of 8070l. 8s. 1d. had the yearly interest been paid during the period that the Public received the Rents.

That your Petitioner's family, having remained in lawful possession of the Strowan Estate six years after the last Rebellion in Scotland,





Scotland, the only cause of their being then deprived of it, seems to have been a motive of expediency to annex a greater part of the Highlands of Scotland to the Crown.

That, had it been in your Petitioner's power to have represented in time this uncommon hardship which his family had already suffered, he is persuaded it would not have been enacted, that, besides paying the Debts affecting the Stowan Estate at the time of the annexation, he should likewise pay the interest that arose upon these Debts while Government received the rents.

That your Petitioner submits to the consideration of this Honourable House, whether he ought not in equity to be indemnified for this loss, which seems to have been solely owing to his absence on military duty in the service of his King and Country, at the proper time of representing his case; and, therefore,

Humbly prays, That leave may be granted to bring in a Bill for exempting your Petitioner from payment of the interest that arose betwixt the year 1752 and 1784, on any of the Debts affecting the Stowan Estate, as the Public received the rents and profits of the said estate during that period; and that the sum of 807ol. 8s. 1d. may be granted to him out of the unexhausted surplus of the money paid out of the other forfeited estates, and now remaining under the care of the Court of Exchequer in Scotland, subject to the disposal of Parliament.

And your Petitioner shall every pray,

ALEX<sup>R</sup>. ROBERTSON.

PROOFS



PROOFS of what is stated in the foregoing Petition, with Remarks.

In the Act of the 25 George II. c. 41, by a separate clause of which the Barony of Strowan was annexed to the Crown, along with the estates forfeited in 1745, the forfeiture of that Strowan Estate is attributed solely to the decree or sentence of forfeiture passed in the Parliament of Scotland in the year 1690. The Christian name of the forfeiting person is not mentioned in that decree or sentence, and Alexander Robertson of Strowan, named in the above-mentioned Annexation Act, had in the year 1690, an elder brother named Robert, then abroad, so that he never was infest, (which appears by the Records in the Register Office of Edinburgh,) nor in legal possession of the Strowan Estate. He was a student at the university of St. Andrew's, when he joined the Viscount Dundee, and King James was then his lawful Sovereign, the Prince of Orange not having been yet proclaimed King by the Parliament of Scotland. He was likewise exchanged as a prisoner of war with Sir Robert Pollock, an Officer of King William's army, so that his being included in the sentence of forfeiture in 1690, was an act of uncommon severity. It is true, that Alexander Robertson joined the Earl of Marr in 1715, and was named in the Act of Attainder, 1 Geo. I. c. 42.

The grant mentioned in the Petition, by which the estate was restored to the family in the year 1723, was by a sign manual of King George I. completed by a charter under the Great Seal, to Margaret Robertson, the sister of the forfeiting person, which contained a clause of revocation. This charter proceeds entirely on the forfeiture in 1690, making no mention of the attainder in 1715.

In the Act of the 24th George III. c. 57, for restoring to the heirs of the former proprietors the forfeited estates which had been annexed to the Crown in 1752, section 14th respects this estate of Strowan. It states truly in a preamble to the clause, " that the estate became forfeited to the Crown by a decree or " sentence of forfeiture passed in the Parliament of Scotland in " the year 1690, subject to the debts then owing by the said " Alexander Robertson. And the estate was afterwards given " back to his family, and having come into his possession, new " debts



“ debts were contracted by him ; *but he having again committed*  
 “ *treason, and been attainted*, the gift was recalled, and the estate  
 “ declared escheat, and by a clause in the Act of the 25th year  
 “ of his late Majesty, was annexed unalienably to the Crown,  
 “ and none of the debts have yet been paid.”

This statement of the cause, for which the gift was recalled, is proved to be erroneous by the general Act of Attainder of the 19th George II. chap. 26, passed against those who were concerned in the rebellion 1745, in which Act not one of the name of Robertson is included. The person stated to have been then attainted, and to have been deprived of his estate, continued in possession of it until his death, which happened within the lands of Strowan in the year 1749, as many still living, who attended his funeral, can testify. The gift was recalled when the estate was in the lawful possession of the Petitioner's father, the late Duncan Robertson, of Strowan; who never was attainted, and who continued in possession of it until the year 1752, when it was annexed to the Crown.

In the Act of the 25th George II. chap. 41, by which the Strowan estate was annexed with others to the Crown, and in a subsequent Act of the 26th George II. chap. 29, particular provision was made for payment of the debts on that Strowan estate, yet those debts remained unpaid, as stated in the restoring Act; and the only reason that is represented in the preamble to the 14th clause of that restoring Act, for obliging the Petitioner to pay the interest that arose on the debts from 1752 to 1784, while the Public received the rents and profits, with an accumulation of interest, on the debts contracted before the forfeiture, as at Christmas 1752, is the erroneous statement of an attainder subsequent to the grant of King George I. This accumulation of interest at Christmas 1752, from which the Petitioner claims no redress, was of itself an illegal advantage granted to the creditor.

As rewards now granted for services to the state extend to the posterity of those who have performed them, it seems agreeable to the same national justice that the descendants and heirs of those who have performed such services in former times should be considered as having some claim to favour. One of the Petitioner's ancestors saved the crown of Scotland to the infant son of King James the first, when the chief conspirator in that prince's murder was upon the point of seizing it. That infant son, when



he came of age, expressed in the strongest terms possible his gratitude for this service, in a charter uniting into one Barony all the lands, situated in the Highlands of Perthshire, which Robert of Strowan had inherited from his ancestors. Only about a fourth part of the lands enumerated in that charter are now possessed by the Petitioner, who believes it will be thought hard that the fortune of his family should suffer a further diminution, by his being treated with less favour than the other restored heirs. As his ancestor, Robert of Strowan, possessed an estate which required no augmentation, and was already a lord of Parliament by tenure, as all who sat in the Assembly of the Estates of Scotland by hereditary right then were, he asked no recompence, but the king made an addition to his coat of arms, that the service he had performed to the crown and nation might never be forgotten by his countrymen.

The services of Robert, grandfather of the last-mentioned, and stiled Filius Duncani de Atholia, \* are honourably acknowledged by King David II. in a charter granting him the lands of Fordel in the Stormont, which charter is in the Petitioner's possession.

Alexander of Strowan was one of the twenty-four Barons to whom the Parliament of Scotland intrusted the government of the different divisions of the kingdom, during the minority of King James IV. as appears by the Acts of Parliament distinguished by the name of the Black Acts.

There is a letter in the Petitioner's possession from King Charles II. to the tutor of Strowan, † who acted as representative of the family in the minority of his nephew, thanking him, in the most honourable terms, for his services to his Royal Father and himself, and concluding, that he knows he requires no encouragement to use his utmost power and influence in the same cause.

\* In the Record of Charters granted by King David II. he is stiled Robert the son of Duncan Earl of Atholl. The greatest part of the Earldom of Atholl was granted to that Duncan on the forfeiture of David de Strathbogie, who betrayed King Robert I. the day before the battle of Bannockburn; and, at that time, whoever was in possession of an earldom, or of most of it, was an earl.

† Great-grand-uncle to the late Duncan Robertson of Strowan, the Petitioner's father.



( 7 )

It will be allowed that the subsequent exercise of the same power and influence in supporting, at the risk of life and fortune, what was believed to be the right of another, must have proceeded from a generous principle, how just and necessary soever the forfeiture was.

PHILIPSON

The House of Commons, for the  
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( 2 )

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## P E T I T I O N

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